

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

UNITED STATES OF AMERICA, )  
Plaintiff, ) No. 20 CR 128  
)  
v. ) Judge John F. Kness  
)  
KEVIN SMITH, )  
Defendant. )

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**ORDER UNDER CRIMINAL RULE 5(f)**

Under Rule 5(f) of the Federal Rules of Criminal Procedure, the Court, with both the prosecutor and defense counsel present at a hearing held on December 3, 2021, confirmed the government's obligation to disclose favorable evidence to Defendant under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and ordered it to do so. Favorable evidence under *Brady* need have only some weight and includes both exculpatory and impeaching evidence. Failure to produce such evidence in a timely manner may result in sanctions, including, but not limited to, adverse jury instructions, dismissal of charges, and contempt proceedings.

Date: December 6, 2021

  
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JOHN F. KNESS  
United States District Judge